

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1521 - SB 1481

March 12, 2023

SUMMARY OF BILL: Requires all law enforcement officers (LEOs) employed on and after January 1, 2024 to be certified annually by a Tennessee licensed healthcare provider qualified in the psychiatric or psychological field as being free from any impairment, that would affect the applicant's ability to perform an essential function of the job, with or without a reasonable accommodation as part the requirement for a certificate of compliance issued by the Tennessee Peace Officer Standards and Training (POST) Commission.

Requires each law enforcement agency to annually select, at random, at least five percent of the agency's employees who are certified law enforcement officers to undergo a mental health evaluation as described above, in addition to the required initial and annual mental health evaluations.

Requires by January 1, 2024 that each law enforcement agency adopt a policy that limits the circumstances under which a law enforcement officer may pursue a suspect or person of interest using a motor vehicle and to adopt a policy for traffic stops, which must state the reasonable expectations that a law enforcement officer has for the conduct of the driver and occupants of a motor vehicle that has been stopped and the reasonable expectations a member of the public may have for a law enforcement officer performing a traffic stop. Requires the law enforcement agency to publish a copy of the traffic stop policy on the agency's website and any social media accounts the agency maintains, if any, and provide a copy to high schools within the agency's jurisdiction for use in driver's education courses.

FISCAL IMPACT:

Increase State Expenditures –

\$636,300/FY23-24 and Subsequent Years/General Fund

\$53,100/FY23-24 and Subsequent Years/Tennessee Board of Regents

\$52,800/FY23-24 and Subsequent Years/Locally Governed Institutions

\$43,200/FY23-24 and Subsequent Years/University of Tennessee System

Increase Local Expenditures - \$5,176,500/FY23-24 and Subsequent Years*

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Assumptions:

- Each agency that employees LEOs can adopt policies relative to motor vehicle pursuits, traffic stops, and can distribute such policies to high schools within existing resources.
- Based on information provided by each agency that employees LEOs the cost of a mental evaluation is estimated to be an average of \$290 per person.
- The Department of Commerce and Insurance provides that the following would need to undergo the new annual mental evaluations as part of compliance certification:
 - 23 employees at the Tennessee Law Enforcement Training Academy (TLETA); and
 - 17,000 local law enforcement officers.
- As the legislation requires an additional random five percent to under go the new mental health evaluation annually in addition to the annual requirement for compliance certification there will be an estimated:
 - 25 $[23 + (23 \times 5\%)]$ TLETA employee mental evaluation fees.
 - 17,850 $[17,000 + (17,000 \times 5\%)]$ local law enforcement mental evaluation fees.
- The recurring increase in state expenditures for the cost of all mental health evaluation fees is estimated to be \$7,250 (25 evaluations x \$290 fee) in FY23-24 and subsequent years.
- The recurring increase in local expenditures for the cost of all mental health evaluation fees is estimated to be \$5,176,500 (17,850 evaluations x \$290 fee) in FY23-24 and subsequent years.
- Based on information provided by the Department of Safety, the total number of LEO mental evaluations are as follows:
 - 1,043 will need to meet the new annual requirements;
 - 52 $(1,043 \times 5\%)$ will be randomly evaluated annually; and
 - 1,095 $(1,043 + 52)$ total annually.
- The recurring increase in state expenditures for the cost of the mental health evaluation fees is estimated to be \$317,550 (1,095 evaluations x \$290 fee) to in FY23-24 and subsequent years.
- Based on information provided by the Tennessee Bureau of Investigation the total number of LEO mental evaluations are as follows:
 - 480 will need to meet the new annual requirements;
 - 24 $(480 \times 5\%)$ will be randomly evaluated annually; and
 - 504 $(480 + 24)$ total annually.
- The recurring increase in state expenditures for the cost of the mental health evaluation fees is estimated to be \$146,160 (504 evaluations x \$290 fee) in FY23-24 and subsequent years.
- Based on information provided by the Tennessee Department of Environment and Conservation the total number of LEO mental evaluations are as follows:
 - 250 will need to meet the new annual requirements;
 - 13 $(250 \times 5\%)$ will be randomly evaluated annually; and
 - 263 $(250 + 13)$ total annually.
- The recurring increase in state expenditures for the cost of the mental health evaluation fees is estimated to be \$76,270 (263 evaluations x \$290 fee) in FY23-24 and subsequent years.

- Based on information provided by the Tennessee Alcoholic Beverage Commission the total number of LEO mental evaluations are as follows:
 - 42 will need to meet the new annual requirements;
 - 2 ($42 \times 5\%$) will be randomly evaluated annually; and
 - 44 ($42 + 2$) total annually.
- The recurring increase in state expenditures for the cost of the mental health evaluation fees is estimated to be \$12,760 (44 evaluations x \$290 fee) in FY23-24 and subsequent years.
- Based on information provided by the Tennessee Wildlife Resources Agency the total number of LEO mental evaluations are as follows:
 - 250 will need to meet the new annual requirements;
 - 13 officers ($250 \times 5\%$) will be randomly evaluated annually; and
 - 263 ($250 + 13$) total annually.
- The recurring increase in state expenditures for the cost of the mental health evaluation fees is estimated to be \$76,270 (263 evaluations x \$290 fee) in FY23-24 and subsequent years.
- The total increase in state expenditures to the General Fund is estimated to be \$636,260 ($\$7,250 + \$317,550 + \$146,160 + \$76,270 + \$12,760 + \$76,270$) in FY23-24 and subsequent years.
- Based on information provided by the Tennessee Board of Regents the total number of LEO mental evaluations are as follows:
 - 174 will need to meet the new annual requirements;
 - 9 ($174 \times 5\%$) will be randomly evaluated annually; and
 - 183 ($174 + 9$) total annually.
- The recurring increase in state expenditures for the cost of the mental health evaluation fees is estimated to be \$53,070 (183 evaluations x \$290 fee) in FY23-24 and subsequent years.
- Based on information provided by the Locally Governed Institutions the total number of LEO mental evaluations are as follows:
 - 173 will need to meet the new annual requirements;
 - 9 ($173 \times 5\%$) will be randomly evaluated annually; and
 - 182 ($173 + 9$) total annually.
- The recurring increase in state expenditures for the cost of the mental health evaluation fees is estimated to be \$52,780 (182 evaluations x \$290 fee) in FY23-24 and subsequent years.
- Based on information provided by the University Tennessee System the total number of LEO mental evaluations are as follows:
 - 142 will need to meet the new annual requirements;
 - 7 ($142 \times 5\%$) will be randomly evaluated annually; and
 - 149 ($142 + 7$) total annually.
- The recurring increase in state expenditures for the cost of the mental health evaluation fees is estimated to be \$43,210 (149 evaluations x \$290 fee) in FY23-24 and subsequent years.
- Agents of the Department of Revenue are granted authority by the Commissioner of Revenue and will not be subject to the requirements of this legislation.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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